

MINUTES

IMPERIAL BEACH CITY COUNCIL REDEVELOPMENT AGENCY PLANNING COMMISSION PUBLIC FINANCING AUTHORITY HOUSING AUTHORITY

DECEMBER 14, 2011

**Council Chambers
825 Imperial Beach Boulevard
Imperial Beach, CA 91932**

SPECIAL MEETING – 6:00 P.M.

SPECIAL MEETING CALL TO ORDER

MAYOR JANNEY called the Special Meeting to order at 6:00 p.m.

ROLL CALL BY CITY CLERK

Councilmembers present:	Spriggs, Bragg, King
Councilmembers absent:	None
Mayor present:	Janney
Mayor Pro Tem present:	Bilbray
Staff present:	City Manager Brown; City Attorney Lyon; City Clerk Hald

PLEDGE OF ALLEGIANCE

MAYOR JANNEY led everyone in the Pledge of Allegiance.

AGENDA CHANGES

None.

MAYOR/COUNCIL REIMBURSEMENT DISCLOSURE/COMMUNITY ANNOUNCEMENTS/ REPORTS ON ASSIGNMENTS AND COMMITTEES

MAYOR JANNEY announced the SANDAG Board will consider the purchase of the SR 125 Toll Road at their meeting on Friday.

COMMUNICATIONS FROM CITY STAFF

None.

PUBLIC COMMENT

None.

PRESENTATIONS (1)

None.

CONSENT CALENDAR (2.1-2.2)

MOTION BY BILBRAY, SECOND BY KING, TO APPROVE CONSENT CALENDAR ITEM NOS. 2.1 AND 2.2. MOTION CARRIED UNANIMOUSLY.

2.1 ROTATION OF MAYOR PRO TEM DUTIES. (0410-13)

Appointed Councilmember Ed Spriggs as Mayor Pro Tempore for a one-year period pursuant to rotational requirements and be seated at the first Council meeting in January pursuant to requirements as stated under Council Policy No. 112.

2.2 FINAL MAP (FM 110020) FOR A NEW MIXED-USE PROJECT THAT WOULD PROVIDE 30 RESIDENTIAL UNITS (29 AFFORDABLE UNITS, 1 MANAGER UNIT) AND 3,600 SQUARE FOOT AMERICAN LEGION POST AT 1252 AND 1268 PALM AVENUE AND 655 FLORENCE STREET IN THE C-1 (GENERAL COMMERCIAL ZONE) ZONE. MF 1072. (0600-20)

Approved Final Map for recordation with the County Recorder.

ORDINANCES – INTRODUCTION/FIRST READING/PUBLIC HEARING (3.1)

3.1 ORDINANCE 2012-1124 AND ADOPT RESOLUTION OF INTENTION 2011-7135 RELATING TO SECOND TIER RETIREMENT BENEFITS FOR ALL EMPLOYEE GROUPS AND ADOPT RESOLUTION 2011-7134 RESCINDING PREVIOUS CALPERS RESOLUTION 2011-7118 AND EXPLAINING WHY ORDINANCE 2011-1123 WILL NOT BE ADOPTED DUE TO REQUIRED REVISED CALPERS PAPERWORK. (0540-95)

CITY MANAGER BROWN reported the item.

MOTION BY BILBRAY, SECOND BY BRAGG, TO ADOPT RESOLUTION NO. 2011-7134 RESCINDING PREVIOUS CALPERS RESOLUTION NO. 2011-7118 AND EXPLAINING WHY ORDINANCE NO. 2011-1123 WILL NOT BE ADOPTED. MOTION CARRIED UNANIMOUSLY.

MOTION BY KING, SECOND BY BILBRAY, TO ADOPT RESOLUTION NO. 2011-7135 APPROVING THE CITY'S INTENTION TO AMEND ITS CALPERS CONTRACT IN ORDER TO ADD SECOND TIER PLANS FOR ALL EMPLOYEES. MOTION CARRIED UNANIMOUSLY.

MAYOR JANNEY called for the first reading of the title of Ordinance No. 2012-1124.

CITY CLERK HALD read the title of Ordinance No. 2012-1124 "AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF IMPERIAL BEACH, CALIFORNIA, AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM."

MOTION BY BILBRAY, SECOND BY BRAGG, TO WAIVE FURTHER READING OF ORDINANCE NO. 2012-1124 AND DISPENSE INTRODUCTION BY TITLE ONLY AND SET THE MATTER FOR ADOPTION AT THE NEXT REGULARLY SCHEDULED CITY COUNCIL MEETING. MOTION CARRIED UNANIMOUSLY.

ORDINANCES – SECOND READING & ADOPTION (4)

None.

PUBLIC HEARINGS (5.1-5.2)

5.1 SADBERRY-PALM, LLC (APPLICANT); ADMINISTRATIVE COASTAL PERMIT (ACP 110024), DESIGN REVIEW CASE (DRC 110025), SITE PLAN REVIEW (SPR 110026), TENTATIVE MAP (TM 110027), MITIGATED NEGATIVE DECLARATION (EIA 110028 AND SCH #2011111018) AND VACATION OF PORTIONS OF 8TH AND DELAWARE STREETS TO CONSTRUCT A NEW COMMERCIAL CENTER BETWEEN 7TH AND 9TH STREETS IN THE C-1 (GENERAL COMMERCIAL) ZONE. MF 1062. (0600-20)

MAYOR JANNEY declared the public hearing open.

A revised Resolution No. 2011-7131 was submitted as Last Minute Agenda Information.

CITY MANAGER BROWN introduced the item.

COMMUNITY DEVELOPMENT DIRECTOR WADE gave a Power Point presentation on the item.

With regard to the alley located south of the project, JACK FISHER was concerned about use by emergency vehicles and trucks, the speed of traffic, and increased traffic entering and exiting the site. He questioned if a wall will be built on the south side of the alley and if the width of the alley will remain the same.

In response to Mr. Fisher, COMMUNITY DEVELOPMENT DIRECTOR WADE stated the width of the alley will not be reduced, most truck traffic will access the site to and from 9th Street and/or Palm Ave., and a wall is not proposed for the south side of the alley. He anticipated that there will be less traffic in the alley than there was with the previous development as there will not be through access to and from the site.

TERESA IRISH expressed concern about the reference to "vacation" on the agenda and requested clarification. She was also concerned about the possibility of increased traffic in the alley as well as a carpet that was discarded in the alley.

COMMUNITY DEVELOPMENT DIRECTOR WADE defined a vacation of a right of way and noted that vacation of the right of way would decrease traffic in the alley not increase it.

MAYOR JANNEY closed the public hearing.

City Staff reviewed the standard urban stormwater mitigation plan for treating/managing the stormwater flows from the site prior to entering the City's storm drain conveyance system. In response to requests for a more creative design for the building located at the corner of 9th Street and Palm Ave., staff will continue to work with the developer to ensure concerns are addressed. He spoke about the design challenges of the building noting that the floor plan is tenant driven.

In response to City Council's concerns, COLTON SADBERRY, developer, stated that they are not attached to the name Breakwater, that the wall (located on the southern end of the project) will extend 3 feet above grade for safety and to block the lights and that he understood the concerns raised about the eastern building and the importance for making it look appealing.

MOTION BY KING, SECOND BY BILBRAY, TO ADOPT RESOLUTION NO. 2011-7131 (AS PROVIDED AS LAST MINUTE AGENDA INFORMATION), APPROVING ADMINISTRATIVE COASTAL PERMIT (ACP 110024), DESIGN REVIEW CASE (DRC 110025), SITE PLAN REVIEW (SPR 110026), TENTATIVE MAP (TM 110027), AND MITIGATED NEGATIVE DECLARATION (EIA 110028 AND SCH #2011111018) AND MITIGATION MONITORING AND REPORTING PROGRAM WHICH MAKES THE NECESSARY FINDINGS AND PROVIDES CONDITIONS OF APPROVAL IN COMPLIANCE WITH LOCAL AND STATE REQUIREMENTS. MOTION CARRIED UNANIMOUSLY.

MOTION BY KING, SECOND BY BILBRAY, TO ADOPT RESOLUTION NO. 2011-7133 WHICH MAKES THE NECESSARY FINDINGS TO VACATE A PORTION OF 8TH STREET AND DELAWARE STREET SO THAT THE PROPERTIES NO LONGER CONSTITUTE A STREET, HIGHWAY, OR PUBLIC SERVICE EASEMENT. MOTION CARRIED UNANIMOUSLY.

5.2 RESOLUTION NO. 2011-7132 APPROVING A DISPOSITION AND DEVELOPMENT AGREEMENT BY AND BETWEEN SADBERRY- PALM LLC AND THE CITY OF IMPERIAL BEACH FOR THE BREAKWATER RETAIL DEVELOPMENT PROJECT LOCATED AT 735-849 PALM AVENUE (APN 626-250-03, 04, 05 & 06) AND FUNDING FOR PUBLICLY OWNED IMPROVEMENTS IN CONNECTION THEREWITH AND AUTHORIZING THE CITY MANAGER TO SIGN ALL DOCUMENTS NECESSARY AND APPROPRIATE TO CARRY OUT AND IMPLEMENT THE AGREEMENT AND TO ADMINISTER THE CITY'S OBLIGATIONS, RESPONSIBILITIES, AND DUTIES TO BE PERFORMED UNDER SAID AGREEMENT. (0600-20)

MAYOR JANNEY declared the public hearing open.

CITY MANAGER BROWN introduced the item and announced a summary of the key points of the DDA and a revised DDA were provided as Last Minute Agenda Information.

PAUL MARRA, of Keyser Marston Associates, Inc., reviewed the summary report: cost to the City for entering into the DDA, the fair market value of the land, the fair reuse value and the price the developer is going to pay. He noted that the estimated sales tax upon completion is \$112,000 per year, the estimate for discretionary tax increment is \$62,000 per year and the housing set aside is \$20,000 per year.

REDEVELOPMENT COORDINATOR SELBY stated that the site generated \$17,795 in sales tax in 2007 and he reviewed the preliminary project schedule and the development process.

COLTON SADBERRY, developer, was optimistic about building the project in one phase as there are potential tenant deals for building F.

In response to City Council's comments about development in Imperial Beach, CITY MANAGER BROWN stated that City staff continues to work with Imperial Beach property owners who may want to develop their property. He noted caution as 1/3 of the estimated market for retail space in Imperial Beach will be taken by this development. The multiplier effect by the construction of the project has not been determined. However, the project has already generated some employment and more employment is anticipated with the completion of the project.

COUNCILMEMBER SPRIGGS spoke of the need for demographics in Imperial Beach to move in a direction that can support the types of businesses wanted by the people in the community. He also spoke about attracting mixed-use development to expand the tax base.

CITY CLERK HALD announced no public speaker slips were submitted.

MAYOR JANNEY concurred with comments made by Councilmember Spriggs regarding the need for mixed-use development and he thanked Sudberry for working on the development project especially during a difficult economy.

CITY ATTORNEY LYON reported that the resolution approves the latest version of the DDA which was provided as Last Minute Agenda Information. She also noted a modification to the DDA, on page 76, Section 512 (b) that the City's right to terminate is before April 1, 2012 and that the version with this modification has been approved by Mr. Sudberry.

MOTION BY BILBRAY, SECOND BY BRAGG, TO ADOPT RESOLUTION NO. 2011-7132 APPROVING A DISPOSITION AND DEVELOPMENT AGREEMENT (DDA) BY AND BETWEEN SUDBERRY – PALM LLC AND THE CITY OF IMPERIAL BEACH FOR THE BREAKWATER RETAIL / COMMERCIAL DEVELOPMENT PROJECT LOCATED AT 735-849 PALM AVENUE (APNs: 626-250-03, 04, 05 & 06) AND TO AUTHORIZE THE CITY MANAGER TO SIGN ALL DOCUMENTS NECESSARY AND APPROPRIATE TO CARRY OUT AND IMPLEMENT THE DDA AND TO ADMINISTER THE CITY'S OBLIGATIONS, RESPONSIBILITIES, AND DUTIES TO BE PERFORMED UNDER THE DDA. MOTION CARRIED UNANIMOUSLY.

REPORTS (6)

None.

ITEMS PULLED FROM THE CONSENT CALENDAR (IF ANY)

None.

ADJOURNMENT

MAYOR JANNEY adjourned the meeting at 7:51 p.m.

/s/
James C. Janney, Mayor

/s/
Jacqueline M. Hald, MMC
City Clerk